

lands adjacent, as to the terms on which they can procure the same, then it shall be lawful for the president and directors, by themselves or officers or agents, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, gravel or earth so needed as aforesaid: *Provided*, that they shall not, without the consent of the owner, cut down any fruit trees, or trees preserved in any lot or field for shade or ornament, or take any timber, gravel or stone, constituting any part of a fence or building; and when any gravel, stone, wood or earth shall be so taken as is provided for in this act, it shall and may be lawful for the owner to file his petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, stone, gravel or wood may have been taken, first giving ten days' notice to said president and directors, their officer or agent, of the filing of such petition, praying to have a jury summoned to go upon the land and assess the damages he, she or they may have sustained thereby; upon which it shall be the duty of the court to order a jury as in laying off public roads; which jury shall go upon the land, and, after being duly sworn to do equal justice to all parties in assessing the said damages, shall consider what damages the owners of said land shall have sustained; and after assessing the same, shall return their proceedings to said court; and if the court shall approve thereof, the damages so assessed, together with all costs, shall be paid by the president and directors. But if the said court shall not approve thereof, they shall order another jury to be summoned, who shall proceed in like manner to assess said damages, and return their proceedings to said court; and upon approval thereof by said court, said damages and costs shall be paid by the said president and directors; and if said president and directors shall not pay the damages so assessed and all cost, execution may issue against them therefor as other corporations: *Provided always*, that either party not satisfied with the sentence or decree of the County Court may appeal therefrom to the Superior Court of Law for said county.

XI. *And be it further enacted*, That it shall be lawful for said company to purchase lands from the proprietors at any point on said road or canal or canals, not exceeding ten acres in any one tract, to be used by them for all necessary purposes of said road or canal or canals, or to be disposed of by them when it shall be deemed proper.

XII. *And be it further enacted*, That whenever, in the construction of said rail road or canal or canals, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said president and directors of said company so to construct the said road or canal across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual such waggon ways across said road or canal from one part of his land to the other.

XIII. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to purchase with the funds of said company, and place on the rail road or canal or canals, constructed by them under this act, all machines, waggons, vehicles, boats, carriages and teams of any description whatsoever, which they may deem necessary and proper for the purposes of transportation.

XIV. *And be it further enacted*, That all machines, waggons, vehicles,